IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 18646 of 2004

Between:

M.Srinivasa Rao, S/o Akkaiah,
R/o Sobhanadrigudem Hamlet,

Adlur Village, Mellacheruvu Mandal,
Nalgonda District

..... PETITIONER

AND

1 The District Collector, Nalgonda
2 The District Level Sand Auction Committee,

rep.by its Convenor, The District Panchayat Officer,
Nalgonda
3 The Mandal Revenue Officer, Mellacheruvu Mandal, Nalgonda District
4 P.L.K.Ramudu, S/o Venkateswara Rao,
R/o Adluru Village, Mellacheruvu Mandal, Nalgonda District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in forming a mud road through the agricultural lands of the Petitioner and transporting sand thereby causing serious harm to the cotton crop of the petitioner and the inaction of the official respondents in taking action against the 4th respondent as illegal, arbitrary, contrary to the provisions of Minor Mineral Concession Rules and unconstitutional and consequently direct the respondent to take action against the 4th respondent, to

enquire and pay damages to the petitioner and pass such other appropriate order or orders as are deemed fit and proper in the interest of justice.

Counsel for the Petitioner:MR.P.JITHENDER REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4: Mrs. G.JYOTHI ESWAR

The Court at the admission stage made the following ORDER:

The grievance of the petitioner is that in the auction conducted by the respondents, the fourth respondent is the successful bidder to lift the sand from the leased area and has to lay the roads at his own expenses along with the riverbed. Whereas he laid the road through the lands of the petitioner but the said lands were not handed over to him by the official respondents and continuing the same even after expiry of lease period. To prevent the said unauthorized usage of petitioner's land by the fourth respondent, the proper course for the petitioner is to move the competent civil court to safeguard his rights on the property and can claim damages, sustained if any, but no writ as can be issued for the reliefs claimed.

The writ petition is accordingly dismissed. No costs.

12th OCTOBER, 2004.

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To

1 The District Collector, Nalgonda
2 The Convenor-cum-District Panchayat Officer, District Level Sand Auction Committee, Nalgonda
3 The Mandal Revenue Officer, Mellacheruvu Mandal, Nalgonda District

4 Two CCs to the Government Pleader for Panchayat Raj, A.P.High Court Buildings, Hyderabad (OUT).

5 Two CD copies.